HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.8175 of 2005

18-08-2005

Between:

Avula Subba Rao.

…Petitioner.

And

The Deputy Registrar of Cooperative Societies,

Machilipatnam, Krishna District and another.

…Respondents.

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ORDER :

The petitioner is before this Court aggrieved by the order dated 23-2-2005 passed by the Deputy Registrar of Cooperative Societies, first respondent herein, in Petition No.218 of 2005. The fact of the matter is that the petitioner's property was brought to sale on 18-1-2005 for satisfying the amount awarded by the Registrar of Cooperative Societies in favour of Machilipatnam Cooperative Urban Bank Limited. The petitioner, therefore, approached the first respondent by filing an application under Rule 52(14) of the A.P. Cooperative Societies Rules, 1964 (for brevity 'the Rules') raising objections with regard to the sale. The objections were rejected by impugned order only on the ground that the petitioner quoted the wrong provision of law in the application.

Though interlocutory application is coming up for consideration, the writ petition is heard finally and is being disposed of with the consent of the parties.

It is well settled that mere wrong mentioning of a legal provision does not take away the valuable right of a person.

Sub-rule (14) of Rule 52 of the Rules confers a right on any person to raise objections regarding the sale of the property in realization of the amount awarded by the Registrar of Cooperative Societies. Only on that limited ground, the writ petition is allowed and the matter is remitted to the first respondent with a direction to consider the application made by the petitioner on 1-2-2005 as an application under Rule 52(14) of the Rules and pass appropriate orders within a period of one week from the date of receipt of a copy of this order. No costs.

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(V.V.S.RAO, J.)

18-08-2005

Msr.

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(Msr)